

Assistant Commissioner for Patents

Washington, D.C. 20231

IN THE PARTY OF STATES PATENT AND TRADEMARK OFFICE

m re P	application of:	<i>)</i> \	
Philip	E. SILKOFF et al.)	
Serial	No.: 08/827,703) Group Art Ui	nit: 3312
Filed:	April 9, 1997) Examiler: W	illiam Deane
For:	METHOD AND APPARATUS FOR THE NEXHALED NITRIC OXIDE IN HUMANS		JAN 2 2 1998
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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed, to the best of the undersign's knowledge, before a first Office Action on the merits in the above-captioned application. Accordingly, Applicants do not believe that a fee is due for filing this paper.

A copy of each of the listed documents is attached.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration of relevant portions thereof by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not

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constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.116 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Bv: '

Reid G. Adfer Reg. No. 30,988

Dated: January 13, 1998

MORGAN, LEWIS & BOCKIUS LLP Intellectual Property Support Unit 1800 M Street, N.W. Washington, D.C. 20036 (202) 467-7000